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## NOTICE OF ALLOWANCE AND FEE(S) DUE

20874

7590

04/30/2009

MARJAMA MULDOON BLASIAK & SULLIVAN LLP  
250 SOUTH CLINTON STREET  
SUITE 300  
SYRACUSE, NY 13202

EXAMINER

HASAN, SYED Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/30/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,360	05/10/2002	Koichi Komoda	967 023	2576

TITLE OF INVENTION: REPRODUCING/RECORDING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

20874 7590 04/30/2009

**MARJAMA MULDOON BLASIAK & SULLIVAN LLP**  
**250 SOUTH CLINTON STREET**  
**SUITE 300**  
**SYRACUSE, NY 13202**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,360	05/10/2002	Koichi Komoda	967 023	2576

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
HASAN, SYED Y	2621	386-094000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1263 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1263 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/031,360

**Applicant(s)**

KOMODA, KOICHI

**Examiner**

SYED Y. HASAN

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 February 2009.
2. ☒ The allowed claim(s) is/are 6, 10, 13, 21, 22, 26, 29 and 42 (renumbered 1 - 8).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7/9/2002, 6/7/2004, 6/10/2004, 9/13/2004  
and 4/8/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621



## **DETAILED ACTION**

### ***Examiners Amendment***

1. This application is in condition for allowance except for the presence of claims 1, 2, 3, 7, 8, 9, 11, 14, 16, 19, 24, 25, 27, 28, 30, 40, 41, 43, 44, 45, 46, 81 and 83 directed to nonelected without traverse. Accordingly, claims 1, 2, 3, 7, 8, 9, 11, 14, 16, 19, 24, 25, 27, 28, 30, 40, 41, 43, 44, 45, 46, 81 and 83 have been cancelled.

### ***Allowable Subject Matter***

2. Claims 6, 10, 13, 21, 22, 26, 29, and 42 (renumbered 1 – 8) are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

The present invention of claims 6, 10, 13, 21, 22, 26, 29 and 42 are directed to a playback/recording apparatus for performing transfer of contents recorded on an erasable storage medium

Independent claim 6 identifies the unique distinct feature "wherein, when performing transfer of the contents, the contents are reproduced by the playback means and outputted and, when the output of the detection means indicates that the contents are copy-inhibited, the contents are erased from the first storage medium by the erasing means and, simultaneously, the contents are recorded on the second storage medium by the recording means, thereby transferring the contents."

The closest prior art, Aoyama et al (US 6810200) discloses a playback/recording apparatus for performing transfer of contents recorded on an erasable storage medium said playback/recording apparatus comprising a playback/erasing apparatus as a first apparatus (fig 2, 1080 and 1071, col 6, lines 10 – 16, illustrates the combination of CD 1080 and data storage unit 1071 as playback and fig 2, 1070, col 6, lines 10 – 24

deletes the data, comprise the first apparatus) a recording apparatus as a second apparatus (fig 2, 1070 and 1090, and fig 3, 1200 and 1090, col 6, lines 55 – 61, comprise recording apparatus) and a transmission line such as a transmission cable or the like for connecting the first and second apparatuses (fig 3, 1090, col 6, lines 65 – 67, SD card 1090 loads music data and becomes the transmission media)

said first apparatus comprising:

transfer of contents between itself and the second apparatus (col 11, lines 1 – 8, illustrates copying of data from CD to HD and SD card)

a playback means for reproducing contents recorded on a first storage medium (fig 2, 1010, col 5, lines 41 – 43 reads data from CD) and outputting the reproduced contents (col 6, lines 10 – 15, outputs the reproduced contents on SD and data storage)

a detection means for detecting copyright information of the contents (fig 2, 1020, col 5, lines 60 – 67, judges or detects copyright information)

an erasing means for erasing the contents from the first storage medium (col 10, lines 9 – 13, illustrates data from HD being deleted as soon as it is written onto SD card)

said second apparatus comprising:

transfer of contents between itself and the first apparatus (fig 2, 1020, col 6, lines 5 – 9 illustrates transfer of contents)

a recording means for recording the contents on a second storage means (fig 2, 1090, col 6, lines 5 – 8, writes data on SD card)

wherein, when performing transfer of the contents, the contents are reproduced

by the playback means and outputted and, the contents are erased from the first storage medium by the erasing means, and the contents are recorded on the second storage means by the recording means, thereby transferring the contents. (rejected based on the information contained above)

However Aoyama et al does not disclose a first and second authentication means for performing mutual authentication, an encryption means for encrypting the output from the playback and a decryption means for decrypting the encrypted data

On the other hand Kamibayashi et al teaches a first and second authentication means for performing mutual authentication (first authentication fig 5, 6c, second authentication fig 5, 13d and mutual authentication fig 5, col 7, lines 58 - 65, col 8, line 24 to col 9 line 40) an encryption means for encrypting the output from the playback (col 5, lines 29 - 31) and a decryption means for decrypting the encrypted data (col 12, lines 4 - 9)

Also, the erasing that Aoyama discloses for the first recording medium is not the first recording medium but an interim storage medium. Hence the original storage medium does not get erased (col 2, line 65 to col 3, line 4). Aoyama does not disclose erasing of the first recording medium.

Hence claim 6 is allowed.

Since claim 21 is dependent on claim 6, therefore it is also allowed.

Independent claim 10 identifies the unique distinct feature "wherein, when performing transfer of the contents, mutual authentication is carried out between the first



authentication means and the second apparatus, and the contents are reproduced by the playback means and outputted and, when the output of the detection means indicates that the contents are copy-inhibited, the contents are erased from the first storage medium by the erasing means."

Hence claim 10 is allowed for the reason mentioned above.

Since claims 26, 29 and 42 are dependent on claim 10, therefore they are also allowed.

Independent claim 13 identifies the unique distinct feature "wherein, when performing transfer of the contents, mutual authentication is carried out between the first authentication means and the second apparatus, and the contents are reproduced by the playback means and outputted and, when the output of the detection means indicates that the contents are copy-inhibited, the data of the contents are encrypted by the encryption means and outputted, and the contents are erased from the first storage medium by the erasing means."

Hence claim 13 is allowed for the reason mentioned above..

Since claim 22 is dependent on claim 13, therefore it is also allowed.

Therefore claims 6, 10, 13, 21, 22, 26, 29 and 42 are allowed over prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./  
3/31/2009

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621